

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANA-FARBER CANCER INSTITUTE, INC.,

Plaintiff,

- and -

PFIZER INC., WYETH LLC,
and GENETICS INSTITUTE, LLC,

Civil Action No. 1:15-cv-13443-PBS

Intervenors-Plaintiffs,

v.

ONO PHARMACEUTICAL CO., LTD.,
TASUKU HONJO, E.R. SQUIBB & SONS,
L.L.C., and BRISTOL-MYERS SQUIBB, CO.,

Defendants.

**PLAINTIFF DANA-FARBER CANCER INSTITUTE, INC.'S
MOTION FOR ATTORNEYS' FEES**

Dana-Farber Cancer Institute ("Dana-Farber") respectfully requests an Order finding this case "exceptional" pursuant to 35 U.S.C. § 285 and awarding reasonable attorneys' fees. On May 12, 2019, this Court entered judgment pursuant to 35 U.S.C. § 256 in favor of Dana-Farber and against Defendants on its claims for correction of inventorship of U.S. Patent Nos. 7,595,048; 8,168,179; 8,728,474; 9,067,999; 9,404,899 (the "Patents"), and ordered that Dr. Gordon Freeman and Dr. Clive Wood be added as inventors on these patents. Dkt. 394.

This case "stands out from others with respect to the substantive strength of [Dana-Farber's] litigating position (considering both the governing law and the facts of the case)" and "the unreasonable manner in which the case was litigated." *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 554 (2014). Defendants filed meritless procedural motions to prolong resolution of this case on the merits while disregarding contemporaneous documents and their own

8/13/19
This motion
is stayed pending
appeal. *Frederick J. Sams*